



UNITED STATES PATENT AND TRADEMARK OFFICE

27

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,677	01/24/2002	Jewel Tsai	4504-051	8416

7590 08/09/2004
LOWE HAUPTMAN GOPSTEIN GILMAN & BERNER, LLP
Suite 310
1700 Diagonal Road
Alexandria, VA 22314

EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/053,677	Applicant(s) TSAI ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/13/04 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
37 CFR 1.114. Applicant's submission filed on May 13, 2004 has been entered.

Pursuant to withdrawal of the finality of the previous Office Action, claims 1-20 remain
10 for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
manner in which the invention was made.

20 3. This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
25 the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2876

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Maanen, Jr. (US 4,855,580, hereinafter "Van Maanen") in view of McMillin (US 5,103,490, hereinafter "McMillin").

Re claims 1 and 11, Van Maanen teaches a system 10 and method for inputting a first image data utilizing a first data input device such as image camera 12, and second image capturing device 14 capturing and digitizing second image to be processed (see abstract, col. 1, lines 46+). The captured data is saved as a record, and are merged as needed/designed (col. 2, lines 6+).

Although Van Maanen discloses merging of the two image files, Van Maanen fails to specifically teach or fairly suggest the merging method wherein a file is open and the first image file (or data) is loaded into the file, and the second image file(or data) is loaded into the file as recited in claims 1 and 11.

McMillin teaches a method and the apparatus for storing and merging scanned image files (see abstract). The merging process is described as opening a common file and the images to be merged are loaded into the common file (col. 2, lines 38+; col. 12, lines 45+).

In view of McMillin's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known file merging method to the teachings of Van Maanen in order to provide efficient way of merging data from multiple sources. Such merging method is preferable to "append" method in some embodiment where merging process should be undone or stopped. Each image files are intact, and merge or other operations can be

Art Unit: 2876

readily resumed. Accordingly, such modification would have been an obvious expedient, well within the ordinary skill in the art.

Re claim 2, although Van Maanen discloses 16 as “remote receiving device”, and does not provide great detail, the device 16 stores captured data, and the document processing system
5 10 resides on the device (col. 2, lines 37+). Accordingly, the device can be a PC or any computer equipped to perform these functions.

Re claims 3-6, 12-14, image pickup apparatus is one of image camera, OCR or MICR reader (col. 2, lines 24+), which processes documents to be scanned and digitized.

10 5. Claims 7-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Maanen, Jr. (US 4,855,580) as modified by McMillin (US 5,103,490) as applied to claim 1 and 11 above, and further in view of Schmid et al. (US 5,659,164, hereinafter “Schmid”). The teachings of Van Maanen as modified by McMillin have been discussed above.

Van Maanen/McMillin fail to specifically teach or fairly suggest that the image pickup
15 apparatus is auto-feeding scanner, and image picking-up step invokes executing a text editor or e-mail editor.

Schmid teaches electronic image/document processing system wherein the stacked documents are automatically fed to the scanner (col. 3, lines 26+; col. 3, lines 61+). The system further allows the scanned documents to be edited by e-mail editor to be distributed
20 electronically or text editor for further process (col. 2, lines 57+). Schmid further teaches that the document can contain photographic material as recited in claim 17.

Art Unit: 2876

In view of Schmid's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate various features such as automatic feeder and invoking text/e-mail editor to the teachings of Van Maanen/McMillin in order to process a large volume of documents, and if needed, to edit and transmit the documents electronically.

5 Implementing ADF (automatic document feeder) significantly improves throughput/volume of the document processing system, and save human intervention when processing multiple pages of document. Moreover, by adding an automatic editor, the captured image/text can be customized, further streamlining editing process. These are well known features in document processing system, and one of ordinary skill in the art would be motivated to use for improving
10 overall efficiency of the system, and therefore an obvious expedient.

Response to Remarks

6. Applicant's remarks filed with RCE on May 13, 2004 have been carefully review and
15 considered. Previously presented claims were reviewed in light of the remarks. Examiner appreciates Applicants description of the Van Maanen patent, however, Van Maanen was not cited to disclose how the time-stamp is used in merging two image files. Van Maanen primarily disclose merging two image files captured from two distinct sources.

As indicated in paragraph 4 above, Examiner also carefully reviewed the merging method
20 recited in claims 1 and 11. Examiner seriously considered whether various merging operations (i.e., merging vs. appending) are patentably distinct. Although Van Maanen discloses, in less specific manner, "merges the captured information in a single record" (col. 1, lines 38-44), perhaps newly cited reference might resemble more to the Applicant's embodiment.

Art Unit: 2876

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nay et al. (US 6,632,332) disclose an image capture and integration system.

Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Patent Examiner
Art Unit 2876
August 5, 2004